

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION**

In re:)
) CASE NO.
GERRY LANE,)
SSN: xx-xxx-7335)
) 17-83476-CRJ13
)
Debtor.)

MOTION BY DEBTOR FOR APPROVAL OF SETTLEMENT

COMES NOW Gerry Lane, the above captioned Debtor, by and through his undersigned attorney, John C. Larsen, and respectfully represents:

1. On August 20, 2018 an order was entered approving Thomas S. McGrath and Melissa D. Endsley as special litigation counsel to pursue a claim arising out of the defective installation of a septic system at the Debtor's home which is exempt under this Chapter 13 bankruptcy.

2. The Parties to the claim have reached a settlement agreement in which all issues in the claim will be resolved. Special Litigation Counsel recommends to the Court that the settlement be approved. The terms of the settlement are as follows: Settlement in the amount of \$105,000.00 plus the Alacourt filing fee of \$765.49 for the personal injury claim relating to the defective construction of the Debtor's shared marital home. The Debtor and the Debtor's non-debtor spouse will each receive

\$50,000.00. In addition, each of the Debtor's minor children will receive \$2,500.00 each through a *pro ami* hearing in state court.

3. The proceeds of the settlement will be distributed as follows:
 - a. To Special Counsel for fees of 33 1/3% the sum of \$35,000.00.
 - b. To Special Counsel for expenses the sum of \$5,320.87 listed as follows:
 1. Annual File Fee - 2 years - \$600
(long distance calls, online services (Westlaw, Pacer, etc.), mileage, routine copying and postage expenses)
 2. Alafile - filing lawsuit \$765.49
 2. Alafile – filing intervene \$308.93
(Circuit Court of Madison County, Alabama Case No. CV2018-901202 *Adams Homes, LLC V. Danny Strickland, Inc. et al*)
 3. Ikard's Manufacturing & Sales - \$1,900.00
 4. Jay Spencer - \$1,000.00
 5. Health Dept. - \$37.50
 6. County Commission - \$57.00
 7. Eric Twitchell - \$100.00
 8. Health Dept. - \$101.95
 9. Rooter Man - \$450.00
 - c. Ikard's Manufacturing & Sales - \$3,200.00 for septic tank pump outs.

d. Carter Backhoe & Concrete Products, Inc. - \$11,500.00 for replacement of septic system.

e. To the non-debtor spouse, the sum of \$22,872.31 representing her one-half interest in the personal injury lawsuit.

f. To the Debtors' minor children the sum of \$5,000 to be paid in equal sums of \$2,500 to each child through a pro ami hearing in state court.

g. To the Debtor, the sum of \$22,872.31 of which \$5,122.15 is allowed by personal exemptions.

h. The balance of the settlement, \$17,750.16, shall be paid to the Trustee.

4. The proceeds that the Trustee receives pursuant to paragraph 3 above will be paid first to the allowed claims of unsecured creditors, and any remaining funds, after unsecured claims are paid in full, will be applied to the allowed claims of secured creditors. The base gross due under the plan will be increased by the amount that the Trustee receives. The Trustee shall be allowed to pay trustee 's fee to herself on these funds when disbursed.

5. As a separate pleading, a Motion for Approval of Attorney's Fees, which requests Special Litigation Counsel 's attorney's fees and expenses described above be approved and paid out of the amount received from the settlement.

WHEREFORE. the Debtor, by and through her undersigned Counsel, request that this Court approve the settlement of the pending claim under the terms set forth above.

Respectfully Submitted,

/s/ John C. Larsen
JOHN C. LARSEN
Attorney for Debtor
Larsen Law, P.C.
1733 Winchester Road
Huntsville, AL 35811
(256) 859-3008
John@JLarsenLaw.com

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing has been served upon all parties listed below and upon all creditors listed on the matrix electronically or by depositing copies in the United States Mail, properly addressed and postage prepaid on this the 2nd day of October, 2018.

Thomas S. McGrath, Esq.
Melissa D. Endsley, Esq.
McGrath Law Firm
PO Box 2469
Huntsville, AL 35804

Gerry Lane
4950 Old Railroad Bed Rd.
Harvest, AL 35749

Adams Homes c/o National Registered Agent, Inc.
2 North Jackson St.
Montgomery, AL 36104

A copy was served electronically on Michele T. Hatcher, Chapter 13 Trustee on this the 2nd day of October, 2018

/s/ John C. Larsen
John C. Larsen

Label Matrix for local noticing

1126-8

Case 17-83476-CRJ13

NORTHERN DISTRICT OF ALABAMA

Decatur

Mon Jul 2 11:16:28 CDT 2018

(p) 1ST FRANKLIN FINANCIAL CORPORATION

PO BOX 880

TOCCOA GA 30577-0880

PRA Receivables Management, LLC

PO Box 41021

Norfolk, VA 23541-1021

U. S. Bankruptcy Court

400 Wall Street

P. O. Box 2775

Decatur, AL 35602-2775

1st Franklin Financial
6200 Mastin Lake Road Suite D
Huntsville, AL 35810-2952

1st Franklin Financial Corporation
PO Box 880 Attn: Administrative Services
Toccoa, GA 30577-0880

AMERICAN EXPRESS CENTURION BANK

C/O BECKET AND LEE LLP

PO BOX 3001

MALVERN PA 19355-0701

AmeriHome Mortgage Company, LLC
Cenlar FSB
425 Phillips Blvd
Ewing, NJ 08618-1430

Amerihome Mtg Co, Llc
21300 Victory Blvd Ste 2
Woodland Hills, CA 91367-2525

Amex
Correspondence
Po Box 981540

El Paso, TX 79998-1540

Citibank/Goodyear
Citicorp Cr Svcs/Centralized Bankruptcy
Po Box 790040
St Louis, MO 63179-0040

Citibank/The Home Depot
Citicorp Cr Svcs/Centralized Bankruptcy
Po Box 790040
St Louis, MO 63179-0040

First Service Finance
Po Box 5973
Huntsville, AL 35814-5973

Huntsville Loans Company
1004 Jordan Ln SW. Suite 3
Huntsville, AL 35816

Internal Revenue Service
P.O Box 7346
Philadelphia, PA 19101-7346

Lowe's
PO Box 981287
El Paso, TX 79998-1287

(p) PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

Quantum3 Group LLC as agent for
MOMA Funding LLC
PO Box 788
Kirkland, WA 98083-0788

Redstone Fcu
220 Wynn Dr
Huntsville, AL 35893-0001

Redstone Fcu
220 Wynn Dr Nw
Huntsville, AL 35893-0001

Synchrony Bank
P.O. Box 965050
Orlando, FL 32896-5050

TD BANK USA, N.A.
C O WEINSTEIN & RILEY, PS
2001 WESTERN AVENUE, STE 400
SEATTLE, WA 98121-3132

Target
C/O Financial & Retail Svcs
Mailstopn BT POB 9475
Minneapolis, MN 55440-9475

Gerry Lane
4950 Old Railroad Bed Road
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1733 Winchester Rd
Huntsville, AL 35811-9190

Melissa D. Endsley
PO Box 2469
Huntsville, Al 35804-2469

Michele T. Hatcher
Chapter 13 Trustee
P.O. Box 2388
Decatur, AL 35602-2388

Thomas S McGrath
Thomas S. McGrath, P.C.
P.O. Box 2469
Huntsville, AL 35804-2469

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

1st Franklin
135 E Tugalo Street
Toccoa, GA 30577

Portfolio Recovery Associates, LLC
POB 41067
Norfolk VA 23541

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u) Cenlar FSB

(d) PRA Receivables Management, LLC
PO Box 41021
Norfolk, VA 23541-1021

	End of Label Matrix
Mailable recipients	27
Bypassed recipients	2
Total	29